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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/751,102

01/05/2004

Ingo Ferber

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EXAMINER

JOLLEY, KIRSTEN

ART UNIT

PAPER NUMBER

1762

MAIL DATE

DELIVERY MODE

01/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/751,102

Applicant(s)

FERBER ET AL.

Examiner

Kirsten C. Jolley

Art Unit

1762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached page. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 15-25.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached page.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
Kirsten C Jolley  
Primary Examiner  
Art Unit: 1762

### ADVISORY ACTION

1. The proposed claim amendments will not be entered because they raise new issues that would require further consideration and/or search, and because they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. Specifically, the proposed addition of former claim 23 into independent claim 15 has not been considered alone (claim 23 was before dependent upon claim 16) and because former claim 23 has not before been considered in combination with the other dependent claims as required by the proposed claims.

2. With respect to the 35 USC 112, 2<sup>nd</sup> paragraph rejections, Applicant argues that the limitations using the word “namely” have been changed to “specifically” or otherwise incorporated into the claims, and that these limitations are required in the claims. The Examiner acknowledges that the term “specifically” is meant to require that the limitations are required in the claims.

With respect to the rejections over Collin, Applicant argues that Collin is concerned with the gluing process being correctly executed at the right time, and that the regulation of the layer thickness of the glue strips is not disclosed. Applicant states that Collin contains no proposals for altering the glue pressure in order to influence the layer thickness of the glue during a gluing cycle or during a work cycle, and thus contains no contribution for solving the problem on which Applicant’s invention is based. The Examiner notes that Applicant’s arguments are not commensurate in scope with the claims. The independent claim does not require that the glue pressure is altered in order to influence the layer thickness of the glue during a gluing/work

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cycle. Rather, claim 15 requires that the glue pressure in the region of the glue nozzles is regulated by a pressure control valve, that the pressure control valve is regulated in accordance with the conveying speed, that control programs are stored by a PC, etc. It remains the Examiner's position that Collin discloses use of a pressure control valve to regulate glue pressure, and such is regulated in accordance with the conveying speed, and control programs are stored in a control unit. While Collin does not specifically teach use of a PC (personal computer), Collin illustrates what looks like a computer (reference number 17) in Figure 1. Further, the use of computers to control the automation of mechanical coating equipment is well known in the art. It is the Examiner's position that a control unit 17 must necessarily incorporate a computer, or that it would have been well within the skill of an ordinary engineer to do so, in order to perform the calculations and control required for Collin's process. Additionally, Collin teaches use of control programs stored as velocity/speed curves for a gluing cycle.

With respect to the rejections over Estelle, Applicant argues that the Examiner's position that it would have been obvious to have provided input via a PC is merely conclusory and is not supported by Estelle's disclosure. The Examiner acknowledges that Estelle does not provide specific disclosure that a personal computer is used for input and control of the control programs. However, as discussed above, the use of computers to control the automation of mechanical coating equipment is well known in the art. Estelle et al. teaches in col. 5, lines 5-14 that a pattern controller 44 controls the operation of the fluid dispensing gun 22 "as a function of the particular application being run", and that the pattern controller 44 receives input 40. It is clear from this passage that a user enters input into pattern controller to control the process in general, and this information changes depending on the particular application being run. It would have

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been obvious for a user (worker) to have entered the input into a personal computer since Estelle clearly teaches use of automatic control of its process and computers are well known as means to control automatic equipment. Further, it is noted that Estelle teaches use of a pressure curve, for example as Figure 5B. Finally, with respect to Applicant's invention in general, it is noted that Estelle states "the flow of fluid through the dispensing valve 50 changes as a function of changes in the conveyor speed" (col. 5, lines 60-62; see also col. 8, lines 30-33).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten C. Jolley whose telephone number is 571-272-1421. The examiner can normally be reached on Monday to Tuesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Kirsten C Jolley

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Primary Examiner  
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kcj